

E-filed on 5/23/06

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WILLIAM GENE WADE,
Petitioner,
v.
EDWARD S. ALAMEIDA, JR., Director,
California Department of Corrections,
Respondent.

No. C-02-01422 RMW

**ORDER DENYING PETITION FOR
CERTIFICATE OF APPEALABILITY**

[Re Docket No. 20]

18 William Wade petitions for a certificate of appealability under 28 U.S.C. § 2253(c).
19 Petitioner has not shown reasonable jurists would differ as required by *Slack v. McDaniel*, 529
20 U.S. 473, 484 (2000). Accordingly, the court denies the application for a certificate of
21 appealability. The clerk shall transmit the file, including a copy of this order, to the Court of
22 Appeals. *See* Fed. R. App. P. 22(b).¹

25 | DATED: 5/23/06

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

RONALD M. WHYTE
United States District Judge

¹ Petitioner may then ask the Court of Appeals to issue the certificate, *see* Fed. R. App. P. 22(b)(1), or if he does not, the notice of appeal will be construed as such a request, *see* Fed. R. App. P. 22(b)(2).

1 **A copy of this order was mailed on _____ to:**

2 **Counsel for Petitioner:**

3 Patrick Morgan Ford
4 1901 First Street
5 Suite 400
6 San Diego, CA 92101

7 **Counsel for Respondent:**

8 Morris Beatus²
9 California Attorney General Office
10 455 Golden Gate Avenue
11 Suite 11000
12 San Francisco, CA 94102-7004

13 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.

27

28 ² The court is aware that Morris Beatus has been appointed to the California Superior Court and
therefore no longer represents the respondent, but the court has not been informed of a change in
counsel for respondent.